

### **REMARKS**

Prior to the present amendment, claims 22-42 were pending and rejected. The applicant has canceled pending claim 33 and reintroduced it as claim 43. The applicant respectfully requests entry of the present amendments for purposes of appeal.

The Office Action on page 2 objected to claim 33 because the listing of claims show claim 33 as "Previously Presented" and "Canceled." The Office Action further noted that this creates confusion because the Examiner can not tell if the claim is to be examined or cancelled. The applicant apologizes for the confusion and believes the present amendment along with the following comments clarifies the status of the pending claims.

In the Amendment dated May 12, 2009, the applicant added new claims. However, in the process of adding new claims, two of the newly added claims were inadvertently given the same claim number. As a result of the May 12, 2009 Amendment, the application contained two distinct claims presented as claim 33.

In the Amendment dated December 18, 2010, the applicant attempted to rectify the situation by canceling the second claim 33 and reintroducing such claim as claim 42. However, that resulted in a claim listing containing a pending claim 33 and a canceled claim 33, which the applicant appreciates is a bit confusing.

In another attempt to clarify the situation, the applicant in the present amendment has canceled the pending claim 33 and reintroduced it as claim 43. Thus, pending claims 42 and 43 correspond to the two claims that were both inadvertently presented as claim 33. Such amendment still results in a claim listing containing two claims presented as claim 33, but since both claims are designated as "Canceled," the applicant believes the claim listing accurately reflects the status of the claims without adding to the confusion introduced by the May 12, 2009 Amendment.

As a final matter, the applicant appreciates that the present paper does not address the substantive rejections of the pending claims. The applicant has elected to merely clarify the status of the pending claims with the present paper and to address the substantive rejections of the Office Action via an Appeal Brief to be filed in due course. Entry of the present amendments is respectfully requested.

The Commissioner is hereby authorized to charge additional fees or credit overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Dated: September 24, 2010

Respectfully submitted,

/Jeffrey B. Huter/  
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